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Attorney for Plaintiff

UNITED STATES DISTRICT COURT  
FOR NORTHERN DISTRICT OF CALIFORNIA

JOSE DE LA PAZ SORTO, on behalf of  
himself and similarly situated others  
Plaintiff,

vs.

HANNEGAN, BENSON & CO., INC. doing  
business as C.B. HANNEGAN's, CHRIS  
BENSON, Does 1-10 ,

Defendants

Case No.: C08-189 HRL

**DECLARATION OF ADAM WANG IN  
SUPPORT OF REQUEST FOR ENTRY OF  
DEFAULT JUDGMENT AGAINST  
DEFENDANTS HANNEGAN, BENSON &  
CO., INC. DOING BUSINESS AS C.B.  
HANNEGAN'S AND CHRIS BENSON**

I, Adam Wang, do hereby declare as follows:

1. I am an attorney of record for Plaintiff Jose De La Paz Sorto in this action. I have personal knowledge of the facts set forth below, except for those of which I described as being based on information and belief, and if called as a witness, could and would competently testify thereto.

2. This action was filed against Defendants on January 11, 2008.

4. On February 5, 2008, Summons and other process papers were served on both Defendants HANNEGAN, BENSON & CO., INC. doing business as C.B. HANNEGAN's and CHRIS BENSON,, See Docket #6 & 7.

4. Pursuant to Federal Rules of Civil Procedure, Defendants are required to respond to the Complaint within 21 days of the service.

1           5.     No answer or other form of response to the Complaint was ever filed by  
2 Defendants.

3           6.     Sometime after Defendants were served with the Complaint, a woman who  
4 claimed herself to be the attorney for Defendants called and left message. No further  
5 communications were received from that person.

6           7.     On June 4, 2008, Plaintiff filed a First Amended Complaint ("FAC"), at  
7 Docket # 5, requesting a judgment for no less than \$100,000 in favor of Plaintiff. See  
8 FAC, at ¶ 70.

9           8.     On June 5, 2008, Plaintiff served the FAC on Defendants. See Docket #10.

10          9.     In the letter accompanying the FAC served on Defendants, Plaintiff urged  
11 Defendants to respond within 21 days of the mailing of the letter, and advised that  
12 Plaintiff would seek default for the amount set forth in the FAC against them.

13          10.    On June 26, 2008, not seeing the responsive pleading filed, Plaintiff again  
14 sent a letter to Defendants, urging them to file a responsive pleading with 21 days after  
15 they have been served with the FAC. Otherwise, a default judgment for the amount set  
16 forth in the Complaint would be entered against them.

17          11     Being served on June 5, 2008 by mail, Defendants' responsive pleadings  
18 were due on June 30, 2008, adding three days for service by mail as provided by Federal  
19 Rules of Civil Procedure.

20          12.    No answer or other form of response to the FAC have been filed and no  
21 request for an extension of time to respond to the FAC was made by Defendants.

22          13.    Plaintiff did receive a registered letter from Defendants dated June 23,  
23 2008, which was not picked up until July 7, 2008. In the letter, Defendants asked me to  
24 call them to discuss the matter. On July 7, 2008, I called Defendants Mr. Benson and left  
25 a message that they needed to respond to the FAC.

14.    No return call from Mr. Benson was received. No responsive pleadings  
have been filed.

1           15.     According to information and belief, neither Defendant is infant, toddler,  
2 incompetent, imprisoned, in military service or otherwise incapacitated.

3           I declare under penalty of perjury under the laws of the United States of America  
4 that the foregoing is true and correct.

5  
6           Dated: July 9, 2008

By: /s/Adam Wang  
Attorney for Plaintiff